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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/077,650	02/14/2002	Nileshkumar J. Parekh	020129	5504
23696	7590	08/23/2005	EXAMINER	
Qualcomm Incorporated Patents Department 5775 Morehouse Drive San Diego, CA 92121-1714			JAGANNATHAN, MELANIE	
			ART UNIT	PAPER NUMBER
			2666	

DATE MAILED: 08/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/077,650

Applicant(s)

PAREKH ET AL.

Examiner

Melanie Jagannathan

Art Unit

2666

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-7,14,18-20 and 30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-7,14,18-20 and 30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

- Request for Continued Examination filed 7/18/2005 has been acknowledged.
- Claims 1, 3-7, 14, 18-20 and 30 are pending.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the first element" in line 6. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any

Art Unit: 2666

evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims **1,3-6,14,18-19,30** are rejected under 35 U.S.C. 102(e) as being unpatentable over Nevo et al. US 6,320,873.

Regarding claims 1,3,6, 14,30, the claimed PDSN element communicating with CDMA RAN using CDMA protocol is disclosed by PDN (Figure 1, element 48) communicating with CDMA network by way of connection to GPRS (element 50). The claimed second element communicating with a GSM core infrastructure using GSM protocol, the elements communicating with each other, whereby use of the CDMA RAN with the GSM core infrastructure is facilitated is disclosed by SGSN (element 52).

At the time the invention was made it would have been obvious to implement the PDN and GPRS node, the two elements communicating with GSM and CDMA networks, in one module such as a switch. One of ordinary skill in the art would be motivated to do so to provide a hybrid GSM/CDMA system to enable introduction of CDMA service in conjunction with GSM network without requiring major changes to existing infrastructure. See column 4, lines 54-65.

Regarding claims 4,18, the claimed SGSN communicating with GGSN is disclosed by SGSN connected to GGSN (element 54).

Regarding claims 5, 19, the claimed PDSN communicating with CDMA BSC is disclosed by PDN communicates with SGSN via GGSN and SGSN communicates with CDMA BSC (element 34). See column 5, lines 45-47 and lines 61-65.

4. Claims 7,20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nevo in view of Forslow US 6,608,832.

Regarding claims 7,20, Nevo discloses the use of CDMA RAN with a GSM infrastructure. Nevo does not disclose the claimed terminating point-to-point protocol framing from the CDMA and sending IP to GSM core infrastructure in response to selection of IP by user of a CDMA mobile station and initiating packet data protocol context activation including specifying at least one access point name. Forslow discloses circuit-switched bearer employing IP/PPP protocol, packet-switched bearer employing GPRS tunneling developed to carry IP packets directly thereby avoiding PPP and a selection of a particular type of bearer. See column 9, lines 11-37 and column 12. Forslow discloses an HLR (Figure 2, element 42) storing routing information and mapping to one or more packet data protocol addresses as well as mapping each PDP address to one or more GGSNs. See column 3, lines 48-51 and column 9, lines 11-37. At the time the invention was made it would have been obvious to a person of ordinary skill in the art to modify Nevo to include packet data protocol context activation of Forslow. One of ordinary skill in the art would be motivated to do this for improved routing between the different networks.

Response to Arguments

Applicant's arguments filed 7/18/2005 have been considered but are moot in view of the new ground(s) of rejection.

Regarding claims 1, 14, Applicant argues reference Nevo et al. does not disclose a switch including a packet data service node element communicating with CDMA RAN and service node communicating with GSM. Examiner submits PDN (Figure 1, element 48) communicating with CDMA network by way of connection to GPRS node (element 50) and SGSN (element 52).

Examiner believes it would have been obvious to implement the PDN and GPRS node, the two elements communicating with GSM and CDMA networks, in one module such as a switch. One of ordinary skill in the art would be motivated to do so to provide a hybrid GSM/CDMA system to enable introduction of CDMA service in conjunction with GSM network without requiring major changes to existing infrastructure. See column 4, lines 54-65.

Regarding claim 30, Applicant argues Nevo does not disclose SGSN communicating and interfacing with GSM infrastructure and rather the SGSN communicates and interfaces with CDMA RAN. Examiner agrees SGSN communicates with CDMA RAN. However, Nevo et al. discloses according to GPRS standards, PDN communicates with SGSN via GGSN and PDN communicates with GSM network. See column 5, lines 45-47.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melanie Jagannathan whose telephone number is 571-272-3163. The examiner can normally be reached Monday-Friday 8:00-5:00.

Art Unit: 2666

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema S. Rao can be reached on 571-272-3174. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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AU 2666

MJ




FRANK DUONG
PRIMARY EXAMINER